

**MINUTES
SPECIAL SESSION
MAYOR and COMMON COUNCIL
Of the
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street #106
Wednesday, May 7, 2008
5:00 p.m.**

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Council motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion.

1. Call to Order

The meeting was called to order at 5:00 p.m.

2. Roll Call

Mayor Gioia, Vice Mayor Hauser, Councilors Smith, Garrison, Kovacovich, German and Elmer were present.

Also Present: Town Manager Mike Scannell, Town Attorney Sims (*by telephone conference*), and Recording Secretary Margaret Harper.

- 3. Discussion, consideration, and possible direction to staff and/or discussion or consultation with the Town Attorney for legal advice concerning the operation of Canyon Wood Supply owned by California Hotwood, Inc. formerly known as Zellner's Wood Yard, located on Murdock Road.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation. (Staff Resource: Michael Scannell)

On a motion by Smith, seconded by Gioia, the Council voted unanimously to go into Executive Session

Public input was invited prior to adjourning to go into Executive Session, as follows:

PUBLIC INPUT

(Comments from the following individuals are summarized.)

John Gray complained about the ongoing excessive noise from the Wood Yard that he has now measured with a decibel meter that has registered sound up to 95 decibels from 75 feet away from the source, primarily the saw and wood splitter. Mr. Gray said at times it probably runs up in the 100's. He pointed out that the Town has made other companies construct large berms to try to mitigate their noise.

Robert Earle, the attorney representing the Zellners, said he was not prepared to address the issues since he did not receive notice of the meeting. He believes there is an ongoing attack by Mr. Gray, and Councilor Smith apparently is assisting for personal reasons. Mr. Earle requested that if there is a legitimate complaint about noise that it be handled appropriately through channels. The Town has the governmental facilities through the Building and Zoning Departments and Community Development Department to investigate claims. Mr. Earle believes findings have been made over a long period of time that there has been compliance with appropriate noise regulations and fire regulations. It is not the Council's job to suddenly pursue unfounded hearsay claims based on an untrained person using a decibel meter. If there is a legitimate problem it should be addressed through legitimate courts.

Clint Gray requested that the Council investigate what is on the book that says what is legal, and said that the only piece of property that was grandfathered in was the first piece of property the Zellners bought; the rest is not grandfathered in and cannot be transferred to another non-conforming business in a residential area.

There was no further public input.

Councilor Smith responded to the accusation by Mr. Earle regarding having a personal interest, and explained his obligation as an elected member of the Town Council to represent all of the citizens.

Attorney Sims responded to Mr. Earle's complaint about not receiving notice and explained that this proceeding is simply a meeting of the Town Council acting in its capacity as Town Council; there will be no action upon the rights of the property owner and specific notice to a property owner is not required pursuant to the Code. The only purpose is for Council to seek legal advice from its attorney. Mayor Gioia confirmed that proper notice was given of the Special Session available for an Executive Session.

A recess was called at 5:20 p.m. to go into Executive Session.

On a motion by Hauser, seconded by Elmer, the Executive Session was adjourned and the Special Session was called back to order at 6:27 p.m.

Resuming the Special Session, Mayor Gioia stated for the record: In discussion with the Town Attorney, Council has directed staff, and particularly our Attorney, to pursue a 30-day fact finding and they will bring back their findings to the Council; if there is a need for an extension of time they will also request that from the Council regarding what they have been instructed to do.

4. Adjournment

On a motion by Hauser, seconded by Elmer, the meeting was adjourned at 6:28 p.m.



Margaret Harper, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 7th day of May 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 29 day of May, 2008.



Debbie Barber, Town Clerk